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DECISION



THE COMPTROLLER GENERAL  
OF THE UNITED STATES  
WASHINGTON, D. C. 20548

FILE: B-202231

DATE: June 16, 1981

MATTER OF: Happy Penguin, Inc.

DIGEST:

1. Bid for requirements contract which fails to offer to furnish at least the Government's estimated peak monthly requirement as required by IFB, is nonresponsive and must be rejected.
2. Bid correction procedures are available only to permit correction of bids which as submitted are responsive to the invitation.

Happy Penguin, Inc. protests the General Services Administration's (GSA) rejection of its bid under invitation for bids (IFB) No. FTP-CW-F0070-A-2-3-81 for a Federal Supply Schedule requirements contract to supply the Government with mechanic's tool pouches.

We deny the protest.

The IFB requested bids for 19 different items (item 15 is the subject of the protest) of varying quantities of tool bags and tool rolls. Each item contained an estimated peak monthly requirement and an estimated total quantity for the entire contract. The estimated peak monthly requirements ranged from a low of 175 units (item 5) to a high of 21,675 units (item 15). Bidders were requested to indicate the total quantity per month that they were willing to furnish for each item on which they submitted a bid. Bidders were cautioned that "in order to qualify for award, their monthly supply must cover the estimated peak requirement for each item or group to be awarded." The IFB also advised bidders that items would not be subdivided for award purposes.

*[Protest of Bid Rejection as Nonresponsive]*

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Happy Penguin bid on eleven items and as its monthly supply potential it indicated it would furnish "20,000 each item." Thus for item 15, Happy Penguin's specified monthly supply potential was 1675 units less than the peak set forth in the IFB.

For this reason, GSA correctly rejected Happy Penguin's bid as nonresponsive since its failure to offer to furnish at least the Government's estimated peak monthly requirements for item 15 was a deviation from the material terms of the IFB. See 45 Comp. Gen. 611 (1966). To be responsive, a bid must unequivocally offer to provide the requested items in total conformance with the terms and specifications of the invitation. J. Baranello & Sons, 58 Comp. Gen. 509 (1979), 79-1 CPD 322. The protester's bid clearly did not meet that test.

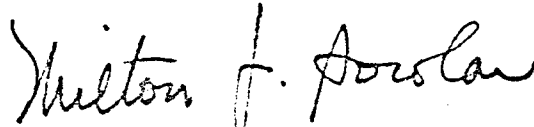
Happy Penguin also alleges that it made an error in its monthly supply potential and contends that GSA, which was notified of the alleged error, should have performed a survey to verify Happy Penguin's ability to provide the Government's estimated peak monthly requirement. However, the protester's ability is not in question. The reason its bid must be rejected is because it qualified its legal obligation to provide the peak monthly requirement and thus Happy Penguin could not contractually be required to fulfill the requirement if its bid were accepted. Moreover, although Happy Penguin suggests it should be allowed to correct its error, we point out that bid correction procedures are available only to permit correction of bids which as submitted, are responsive to the invitation. To permit otherwise, would be contrary to the principle that bids may not be altered after bid opening to make them acceptable. Redifon Computers Limited -- Reconsideration, B-186691, June 30, 1977, 77-1 CPD 463. Permitting the bidder an opportunity to make its bid responsive by alterations to its bid after bid opening would be tantamount

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to permitting the submission of a new bid. Jack Young Associates, Inc., B-195531, September 20, 1979, 79-2 CPD 207.

The protest is denied.

A handwritten signature in cursive script, reading "Milton F. Fowler".

Acting Comptroller General  
of the United States